

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/13/2010 has been entered.

Response to Arguments

2. Applicant argues, "The examiner states that "the motivation to do so would be so that the server supplies the information to all users" and references Kim. However, none of the prior art discusses separating the animated character from an instant message and a chat room does not provide a motivation as a chat room is not involved in instant messaging in the context of the present invention. All the prior art raised by the examiner, if it includes graphic elements, includes the same material in every IM sent. Kim discloses a chat room, not an instant message system. Kim does not provide any motivation in relation to instant messaging."

However, Kim is relied upon for using servers to distribute messages and animated characters. This is related to instant messaging and even Crawford uses servers to transmit the animated character and instant message as the client acts as a server when sending the message and icon. Crawford also makes use of internet servers to connect clients. Furthermore Kim states, a real-time mode of communication

Art Unit: 2175

such as America Online Instant Messenger may implement organizational avatars if it develops graphics capability (Kim, col 19, ln 1-4). Therefore the examiner respectfully disagrees with the applicant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 19, 43, 64, and 80, 91-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, US 6,910,186 (Hereinafter, Kim) in view of Crawford, US 2004/0201624 (Hereinafter, Crawford).**

Regarding Claim 19, Kim discloses "a method for managing an Instant Messaging system including" (Kim, Fig 4C).

Kim discloses "associating an animated character located on a character server with a sender". Specifically, the use avatars that represent a user (Kim, col 11, ln 38-40) are stored on a server (Kim col 12, ln 8-22).

Crawford also discloses "receiving a request in said character server from a computer system of a recipient of an Instant Message (IM) sent to the recipient by the sender for an animated character". Specifically, the client 702b sends a connect

message to the client 702a through the host 704. The connect message includes, for example, the message type, the screen name of the first subscriber, the screen name of the second subscriber, the IP address of the client 702b, and a randomly generated security number. The host 704 authenticates that the connect message from the client 702b is from a valid subscriber and then sends the connect message to the client 702a. It would be obvious to one of ordinary skill at the time of the invention to use this method to connect to a server and retrieve the characters. The motivation to do so would be so that a server supplies the information to all users (Kim, col 12, ln 15-20).

Kim also discloses "said request including an identification of the sender of the IM to said recipient's computer system, said character server having records of animated characters and senders, each sender associated with a specific animated character" (Kim, Fig 4C, node 132N, col 12, ln 9-23).

Kim also discloses "querying a database in said character server with said identification to identify the animated character associated with sender" (Kim, Fig 4C col 12, ln 9-23).

Kim also discloses "receiving said animated character associated with the sender from said database" (Kim, Fig 4B, col 12, ln 9-23).

Kim also discloses "forwarding said animated character from said character server to said recipient's computer system" (Kim, Fig 4B, col 12, ln 9-23).

Crawford discloses "wherein said IM is received at said recipient's computer system without being relayed by said character server". Specifically the host device includes various host complexes such as IM (Crawford, ¶0032). Providing a separate

server for IMs and for Characters would be obvious to one of ordinary skill at the time of the invention. The motivation to do so is that farms are groups of servers located at centralized locations within the OSP host complex are dedicated to providing particular host functionality to clients (Crawford, ¶¶0042).

Crawford discloses "wherein said instant message when sent by the sender and when received by the recipient did not include said animated character associated with sender". Specifically, Crawford discloses an instant message that prevents images from being sent in the instant message dialogue box, therefore the instant message itself does not contain the animated character (Crawford, ¶¶0077).

Regarding Claim 43, this claim is substantially similar to claim 19 and is therefore rejected based upon the same reasoning used to reject claim 19.

Regarding Claim 64, this claim is the apparatus used to perform the method in claim 19. This claim is substantially similar to claim 19 and is therefore rejected based upon the same reasoning used to reject claims 19.

Regarding Claim 80, this claims a program storage device readable by a machine" of the method in claim 19. Therefore, this claim is rejected based upon the same reasoning used to reject claim 19.

Regarding Claim 91, Kim discloses "a method of instant messaging, including the steps of: associating an animated character located on a character server with a

Art Unit: 2175

first user". Specifically, the use of avatars that represent a user (Kim, col 11, ln 38-40) are stored on a server (Kim col 12, ln 8-22

Crawford discloses "the first user creating an instant message containing content, said instant message not including said animated character associated with said sender", said first user sending said instant message to an address of a recipient known to the first user", "on the recipient's computer system, receiving said instant message", "on the recipient's computer system, determining an identification of said first user of said instant message from said instant message", . Specifically, the client 702b sends a connect message to the client 702a through the host 704. The connect message includes, for example, the message type, the screen name of the first subscriber, the screen name of the second subscriber, the IP address of the client 702b, and a randomly generated security number. The host 704 authenticates that the connect message from the client 702b is from a valid subscriber and then sends the connect message to the client 702a. Furthermore, Crawford discloses an instant message that prevents images from being sent in the instant message dialogue box, therefore the instant message itself does not contain the animated character (Crawford, ¶0077).

It would be obvious to one of ordinary skill at the time of the invention to use this method to connect to a server and retrieve the characters. The motivation to do so would be so that a server supplies the information to all users (Kim, col 12, ln 15-20).

Kim also discloses "on the recipient's computer system, determining if an animated character associated with said sender is stored on the recipient's digital

Art Unit: 2175

communication system and if not". Specifically, server computer 130 is programmed with chat software 131 to assist in transfer of information (as illustrated by act 123 of FIG. 4B) among computers 120A-120N and a computer 120Q that is operated by user 20Q. (Kim, col 12, ln 15-20).

C Kim also discloses "sending a request from the recipient's computer system to said character server for said animated character, said request including said identification of said first user" Specifically, server computer 130 is programmed with chat software 131 to assist in transfer of information (as illustrated by act 123 of FIG. 4B) among computers 120A-120N and a computer 120Q that is operated by user 20Q (Kim, col 12, ln 15-20).

Kim also discloses "receiving, in response to said request, in the recipient's computer system and from said character server, the animated character" (Kim, Fig. 4A).

Kim also discloses "displaying said animated character on the recipient's computer system" (Kim, Fig. 4C).

Kim also discloses "delivering said content on the recipient's computer system through said animated character" (Kim, Fig. 4A).

Regarding Claim 92, Kim discloses "a method of instant messaging, including the steps of: receiving instructions to associate an animated character located on a character server with a first user". Specifically, the use of avatars that represent a user (Kim, col 11, ln 38-40) are stored on a server (Kim col 12, ln 8-22

Crawford also discloses "after receiving said instructions, receiving from the first user at least one instant message containing content together with identifiers of at least one recipient, said instant message not including said animated character associated with said sender" Specifically, the client 702b sends a connect message to the client 702a through the host 704. The connect message includes, for example, the message type, the screen name of the first subscriber, the screen name of the second subscriber, the IP address of the client 702b, and a randomly generated security number. The host 704 authenticates that the connect message from the client 702b is from a valid subscriber and then sends the connect message to the client 702a. It would be obvious to one of ordinary skill at the time of the invention to use this method to connect to a server and retrieve the characters. The motivation to do so would be so that a server supplies the information to all users (Kim, col 12, ln 15-20).

Crawford also discloses "forwarding said at least one instant message to said at least one recipient's computer system without said animated character". Specifically, Crawford discloses an instant message that prevents images from being sent in the instant message dialogue box, therefore the instant message itself does not contain the animated character (Crawford, ¶0077).

Kim also discloses "receiving from at least one recipient's computer system a request for said animated character, the or each said request including identification of said first user". (Kim, Fig 4B, col 12, ln 9-23).

Kim also discloses "forwarding the animated character, in response to the respective request, to the respective recipient's computer system to enable the

Art Unit: 2175

recipient's computer system to display said animated character and deliver said content through said animated character." (Kim, Fig 4B, col 12, ln 9-23).

It would be obvious to use Kim's avatars with instant message software of Crawford. The motivation to do so would be a real-time mode of communication such as America Online Instant Messenger may implement organizational avatars if it develops graphics capability (Kim, col 19, ln 1-4).

5. **Claims 1, 9-10, 13-15, 31, 39-40, 50, 62-63, 79, 81-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick, US 2001/0033298 (Hereinafter, Slotznick) in view of Crawford, US 2004/0201624 (Hereinafter, Crawford) and in further view of Kim, US 6,910,186 (Hereinafter, Kim).**

Regarding Claim 1, Slotznick discloses "a method for instant messaging on a recipient's computer system". (Slotznick, Fig 1, ¶0032).

Slotznick also discloses "on the recipient's computer system receiving an instant message (IM) containing content from a sender, said IM addressed to the recipient by the sender" (Slotznick, Fig 1, ¶0033).

Slotznick also discloses "displaying said animated character associated with said sender at a location on the recipient's computer system, the location selected by the recipient or the recipient's computer system" (Slotznick, Fig 1, ¶0035).

Slotznick also discloses "delivering said content on the recipient's computer system through said animated character" (Slotznick, Fig 1, ¶0035).

Slotnick also discloses, "on the recipient's computer system ,determining an identification of said sender of said IM from said IM" (Slotnick, Fig 1: 118).

Kim also discloses "on a recipient's computer system, determining if an animated character associated with said sender is stored on the recipient's computer system and if not". Specifically, this feature is inherent as a server supplies the information to all users (Kim, col 12, ln 15-20).

Crawford also discloses "sending a request from the recipient's computer system for an animated character associated with sender to a character server with said identification of said sender, said character server having records of animated characters and senders, each sender associated with a specific animated character". Specifically, the client 702b sends a connect message to the client 702a through the host 704. The connect message includes, for example, the message type, the screen name of the first subscriber, the screen name of the second subscriber, the IP address of the client 702b, and a randomly generated security number. The host 704 authenticates that the connect message from the client 702b is from a valid subscriber and then sends the connect message to the client 702a. It would be obvious to one of ordinary skill at the time of the invention to use this method to connect to a server and retrieve the characters. The motivation to do so would be so that a server supplies the information to all users (Kim, col 12, ln 15-20).

Kim also discloses "receiving, in response to said request, in the recipient's computer system from said character server the animated character associated with

said sender". Specifically, a server supplies the information to all users (Kim, col 12, ln 15-20).

It would obvious to one of ordinary skill in the art at the time of the invention to combine the instant messaging system in Slotnick with animated character advertisement in Kim. The motivation for doing so is to increase interactivity with customer (Kim col 8, ln 62-63).

Crawford also discloses "wherein said IM is received at said recipient's computer system without being relayed by character server". Specifically the host device includes various host complexes such as IM (Crawford, ¶0032). Providing a separate server for IMs and for Characters would be obvious to one of ordinary skill at the time of the invention. The motivation to do so is that farms are groups of servers located at centralized locations within the OSP host complex are dedicated to providing particular host functionality to clients (Crawford, ¶0042).

Crawford also discloses "wherein said instant message when sent by the sender does not include said animated character associated with said sender and when received by the recipient and was addressed to the recipient by the sender". Specifically, Crawford discloses an instant message that prevents images from being sent in the instant message dialogue box, therefore the instant message itself does not contain the animated character (Crawford, ¶0077).

Regarding Claim 9, Slotnick discloses all the limitations of "the method of claim 1 above".

Slotznick does not disclose "periodically retrieving advertisement details from a server". Kim remedies this with the disclosure of downloading information from a server (Kim, col 12, ln 9-22). It would obvious to one of ordinary skill in the art at the time of the invention to combine the instant messaging system in Slotznick with animated character advertisement in Kim. The motivation for doing so is to increase interactivity with customer (Kim col 8, ln 62-63).

Slotznick also does not disclose "downloading to the recipient's computer system an animated advertising character specified to represent said advertisement". Kim remedies this with the disclosure of downloading an organizational avatar (Kim, col 8, ln 45-65). It would obvious to one of ordinary skill in the art at the time of the invention to combine the instant messaging system in Slotznick with animated character advertisement in Kim. The motivation for doing so is to increase interactivity with customer (Kim col 8, ln 62-63).

Slotznick also does not disclose "displaying on the recipient's computer system said animated advertising character specified to represent said advertisement". Kim remedies this with the disclosure of using the organizational avatar to advertise cost effectively (Kim, col 8, ln 45-65). It would obvious to one of ordinary skill in the art at the time of the invention to combine the instant messaging system in Slotznick with animated character advertisement in Kim. The motivation for doing so is to increase interactivity with customer (Kim col 8, ln 62-63).

Slotznick also does not disclose "receiving content specified for said advertisement on the recipient's computer system through said animated character". Kim

Art Unit: 2175

remedies this with the disclosure of using the organizational avatar to advertise cost effectively (Kim, col 8, ln 45-65). It would obvious to one of ordinary skill in the art at the time of the invention to combine the instant messaging system in Slotznick with animated character advertisement in Kim. The motivation for doing so is to increase interactivity with customer (Kim col 8, ln 62-63).

Regarding Claim 10, Slotznick also discloses "the method of claim 1, further including: sending an alert to a server" (Slotznick, Fig 1).

Slotznick also discloses, "receiving in the recipient's computer system a response containing content from said server generated by an artificial intelligence (AI) application" (Slotznick, ¶0024).

Slotznick also discloses, "displaying on the recipient's computer system an animated character associated with said AI application" (Slotznick, Fig 1, ¶0035).

Slotznick also discloses, "receiving said content on the recipient's computer system through said animated character associated with said AI application". (Slotznick, Fig 1, ¶0035).

Regarding Claim 13, Slotznick does not specifically disclose "the method of claim 1, further including: "associating a sender with a plurality of predefined animated characters" and "allowing the sender to select an animated character from the plurality of predefined animated characters associated with the sender to be displayed on the recipient's computer system in the event the sender sends an IM message to said

recipient's computer system". However, Kim remedies this with the disclosure of having the user enter into a contract with the owner of an organizational avatar (Kim, col 9, ln 0-19). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the animated characters in Slotznick with the ability to select a predefined character in Kim. The motivation for combining the two references is that the avatar would be used to represent live persons in shared user environment (Kim, col 8, ln 48-50).

Regarding Claim 14, Slotznick does not specifically disclose "the method of claim 1, further including: initially allowing the sender to upload an image for use in creating a record of an animated character to be displayed on the recipient's computer system when said user sends an IM message to said recipient's computer system". However, Kim remedies this with the disclosure of a generic avatar that could be used to represent a user (Kim, col 8, ln 52-54). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the animated characters in Slotznick with the ability to select an artist created generic avatar in Kim. The motivation for combining the two references is that the avatar would be used to represent live persons in shared user environment (Kim, col 8, ln 48-50).

Regarding Claim 15, Slotznick discloses "a method for instant messaging on a recipient's digital communication system, including" (Slotznick, Fig 1, ¶0032).

Slotznick also discloses "receiving on the recipient's digital communication system one or more instant messages (IM) containing content sent from at least one sender to said recipient, each at least one sender associated with a specific animated character" (Slotznick, Fig 1, ¶0033).

Crawford also discloses "the or each instant message not including said specific animated character associated with the respective sender when sent by the sender and when received by the recipient". Specifically, Crawford discloses an instant message that prevents images from being sent in the instant message dialogue box, therefore the instant message itself does not contain the animated character (Crawford, ¶0077).

Slotznick also discloses "delivering said content on the recipient's computer system by means of said at least one animated character displayed at a location on a display of the recipient's computer system, the location selected by the recipient or the recipient's computer system" (Slotznick, Fig 1, ¶0035).

Slotznick also discloses "determining an identification of said at least one sender of one of said IMs from said IM"(Slotznick, Fig 1: 118).

Kim also discloses "determining if an animated character associated with said sender is stored on the recipient's digital communication system and if not". Specifically, this feature is inherent as a server supplies the information to all users (Kim, col 12, ln 15-20).

Slotznick does not specifically disclose "forming a queue by creating a dynamic array and inserting one or more of said instant messages into said queue". Kim remedies this with the disclosure of a buffer to hold data corresponding to related users

(Kim, col 12, ln 9-12). It would be obvious to one of ordinary skill in the art at the time of the invention to combine buffer with the messaging system in Slotznick. The motivation to do so is to assist in the transfer of information (Kim, col 11, ln 65-67).

Slotznick does not specifically disclose "controlling the timing of operations of actions in the queue and when required displaying at least one animated character associated with a respective sender". Kim remedies this by stating the server supplies information to all users that update their respective displays in the normal manner (Kim, col 12, ln 14-19). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the controlling of timing operations to the messaging system in Slotznick. The motivation to do so is to assist in the transfer of information (Kim, col 11, ln 65-67).

Crawford also discloses, "sending a request to a character server with said identification of said sender" Specifically, the client 702b sends a connect message to the client 702a through the host 704. The connect message includes, for example, the message type, the screen name of the first subscriber, the screen name of the second subscriber, the IP address of the client 702b, and a randomly generated security number. The host 704 authenticates that the connect message from the client 702b is from a valid subscriber and then sends the connect message to the client 702a. It would be obvious to one of ordinary skill at the time of the invention to use this method to connect to a server and retrieve the characters. The motivation to do so is to assist in the transfer of information (Kim, col 11, ln 65-67).

Kim also discloses "receiving from said character server, in response to said request, an animated character associated with said sender". Specifically, a server supplies the information to all users (Kim, col 12, ln 15-20). It would be obvious to one of ordinary skill in the art at the time of the invention to combine character server with the messaging system in Slotnick. The motivation to do so is to assist in the transfer of information (Kim, col 11, ln 65-67).

Crawford also discloses "wherein said IMs are received at said recipient's computer system without being related by said character server" Specifically the host device includes various host complexes such as IM (Crawford, ¶0032). Providing a separate server for IMs and for Characters would be obvious to one of ordinary skill at the time of the invention. The motivation to do so is that farms are groups of servers located at centralized locations within the OSP host complex are dedicated to providing particular host functionality to clients (Crawford, ¶0042).

Slotnick also discloses "wherein, when multiple instant messages are received, the contents of the said instant messages are delivered sequentially to the recipient and not overlapping in time". This feature is inherent as instant messages can only be sent one at a time and thus delivered one at a time

Regarding Claim 31, this claim is substantially similar to claim 1 and is therefore rejected based upon the same reasoning used to reject claim 1.

Regarding Claim 39, this claim is substantially similar to claim 9 and is therefore rejected based upon the same reasoning used to reject claim 9.

Regarding Claim 40, this claim is substantially similar to claim 10 and is therefore rejected based upon the same reasoning used to reject claim 10.

Regarding Claim 50, applicant is claiming the apparatus used to perform the method in claim 1. This claim is substantially similar to claim 1 and is therefore rejected based upon the same reasoning used to reject claim 1.

Regarding Claims 62-63, applicant is claiming the apparatus used to perform the method in claims 13-14. These claims are substantially similar to claims 13-14 and are therefore rejected based upon the same reasoning used to reject claims 13-14.

Regarding Claim 79, this claims a program storage device readable by a machine" of the method in claim 1. Therefore, this claim is rejected based upon the same reasoning used to reject claim 1.

Regarding Claim 81, Slotznick also discloses, "the method of claim 1 wherein delivering said content to the recipient's computer system includes: converting text from said IM into audio through text-to-speech synthesis and playing said audio" (Slotznick, ¶0003).

Regarding Claim 82, Slotznick also discloses, "the method of claim 81, wherein delivering said content to the recipient's computer system further includes: animating said character in synchronization with said playing of said audio" (Slotznick, ¶0003).

Regarding Claim 83, Slotznick also discloses, "the method of claim 82, wherein delivering said content to the recipient's computer system further includes: detecting an emoticon in said IM; and animating said character in a way that reflects an emotion of said emoticon" (Slotznick, ¶0003, 16).

Regarding Claim 84, Slotznick also discloses, "the method of claim 1, wherein displaying said animated character includes displaying said animated character outside of an IM window on a screen" (Slotznick, ¶0016)..

Regarding Claim 85, Slotznick also discloses, "the method of claim 84, further including enabling said recipient to move said animated character anywhere on the screen" (Slotznick, ¶0016).

Regarding Claim 86-90, applicant is claiming the apparatus used to perform the method in claims 81-85. This claim is substantially similar to claims 81-85 and is therefore rejected based upon the same reasoning used to reject claims 81-85.

6. **Claims 11-12, 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick, US 2001/0033298 (Hereinafter, Slotznick) in view of Crawford, US 2004/0201624 (Hereinafter, Crawford) in further view of Kim, US 6910186 (Hereinafter, Kim) and in further view of Wolton et al., US 2004/0030741(Hereinafter, Wolton).**

Regarding Claim 11, Slotznick and Kim discloses all the limitations of "the method of claim 10".

However, Slotznick does not disclose "sending a message indicating that a web search is to be performed". Wolton remedies this with a disclosure of a boolean search (Wolton, Fig 4).

However, Slotznick also does not disclose "sending keywords to search in said web search". Wolton remedies this with a disclosure of sending search terms (Wolton, ¶0153).

It would be obvious to one of skill in the art to combine the search engine of Wolton with the messaging system of Slotznick. The motivation to do so is where Wolton states the entire search and retrieval agent system provides a digital character representing individual agents (Wolton, ¶0244).

Regarding Claim 12, Slotznick and Kim also do not disclose "the method of claim 11, wherein said receiving said content comprises receiving results of said web search". Wolton remedies this with a disclosure of a retrieval system (Wolton, ¶244). It

Art Unit: 2175

would be obvious to one of skill in the art to combine the search engine of Wolton with the messaging system of Slotnick. The motivation to do so is where Wolton states the entire search and retrieval agent system provides a digital character representing individual agents (Wolton, ¶0244).

Regarding Claim 41, this claim is substantially similar to claim 11 and is therefore rejected based upon the same reasoning used to reject claim 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashraf Zahr/
Examiner, Art Unit 2175